

COMMISSION OF INQUIRY

INTO THE

Reformatory and Industrial School System

1934 - 1936

REPORT

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Boys and girls who propose to devote their lives to rural pursuits should be taught from the age of 14 to appreciate rural life and cultivate a taste for it. The boys should have instruction in Agriculture, Beekeeping, Woodwork and Commercial subjects that apply to Agriculture and the girls in Poultrykeeping, Dairying and Domestic Economy. Compulsory attendance should be insisted on for two years. The ordinary secondary school course would not be a benefit.

With regard to employment, young persons under 16 just carry out light seasonal work on their parents' farms.

County Tipperary (a).

The majority of children leave school at 14 years of age. This is not due to pressure of work on the farm. The youngsters carry out light work, such as feeding live stock, carting milk to creameries, etc., but are not able to replace adult labour. The raising of the school-leaving age to 16 would not affect the labour market.

The outlook of boys for a year or two after leaving school is but to hang about the home. At 16 years of age a boy's earlier education is but a memory and he is badly handicapped as compared with the boy who remained at school and cemented his knowledge. The lack of education is very apparent in later years.

County Tipperary (b).

The school-leaving age should be raised to 16 years. Compulsory attendance to this age would not to any great extent interfere with farm work. The effect on the employment of adult labour would be very little.

Young farmers need to know more about the scientific side of agriculture and they cannot do so until they get better early training.

County Wicklow.

The raising of the school-leaving age would not have any serious economic effect on agriculture provided the Easter and Summer holidays were suitably extended. Young persons over 14 years of age are employed only at light work on the farms and are really busy only in the late spring and later summer months. In these periods farmers have to rely to a certain extent on the work of the youngsters.

The withdrawal of young people from farm work would not have any great effect on the employment of adults.

The raising of the school-leaving age to at least 15 years is favoured. Whatever inconvenience is caused by the withdrawal of the young people from farm work would be repaid many times over by an improved general education.

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to the present unsatisfactory method of disposing of female offenders over 16 and under the age of 21 years, a matter which has been repeatedly brought to our notice. Under the law as it stands a girl over the age of 16 years in whose case detention is necessary can be detained only in a prison. Boys aged 16 to 21 years can be detained in the Borstal Institution in Clonmel. It can be generally accepted that Judges and Justices are reluctant to commit young girls to prison, but they have no legal power to order their detention otherwise. The difficulty is usually overcome by sending the offender to a Home conducted by a Religious Order, provided the girl consents to go there, and the Home agrees to accept her. In our view this procedure is undesirable for obvious reasons, chief among them being the absence of specific power enabling the Judges and Justices to commit to these Homes. Further, the Courts have to rely on the generosity and co-operation of the Religious Orders conducting these Institutions and accept such cases without payment.

184. We have given serious consideration to the desirability of providing a Borstal Institution for Girls and have obtained the views of the Circuit Court Judges and the District Justices on the subject. On the whole the opinions furnished to us would not warrant a recommendation in favour of the establishment of such an Institution, although none was opposed to the principle. We consider, however, that statutory power should be given to both Judges and Justices to commit, in their discretion, this class of offender for definite periods, subject to a maximum of three years, to Institutions certified as suitable for the reception of particular cases. In the event of a young person so committed proving refractory and unsuitable for such detention, it should be in the power of the Superiress to request the Minister for Justice to relieve her of the responsibility for the young person who should then be transferred to a prison. It would follow as a result of the adoption of the recommendation we make above that, where a girl left the Institution without due authority before completion of the period for which she had been committed, she would be liable to arrest. As matters stand, a girl who elects to go to a Home may leave at any time.

185. We also consider that these Institutions should be remunerated for their work of reformation by the payment of an appropriate grant in respect of girls committed under the arrangements we have recommended, but as the labour of these inmates is of some value, in many cases of commercial value, to the Institutions (e.g. where laundries are conducted) it should be provided that a specified portion of the cash value of the work of the girls in respect of whom grants have been paid should be placed to their credit—in the Post Office Savings Bank or with a philanthropic society or otherwise—and made available for

them on leaving. Such an arrangement would help to counteract the danger of sending girls out of such Homes without some provision for their immediate future.

X.—SUMMARY OF PRINCIPAL RECOMMENDATIONS AND CONCLUSIONS.

The following is a summary of our principal recommendations and conclusions:—

(The figures in brackets refer to paragraphs in the Report.)

1. The present system of Reformatory and Industrial Schools should be continued subject to the modifications suggested in the Report. The Schools should remain under the management of the Religious Orders who have undertaken the work (28).
2. Justices should be allowed a greater discretion as to age and period of detention in committing children to both Reformatories and Industrial Schools (42, 43, 44).
3. In some Industrial Schools children are retained at the sole expense of the school beyond the age of 16 years—the present age for discharge—so as to undergo special courses of training. In such cases the Minister for Education should be given power to authorise retention up to the age of 17 years, subject to payment of an appropriate grant (45).
4. The committal of young children under the School Attendance Act, 1926, for a short period has often a salutary effect. We recommend its continuance (46).
5. The Children Act, 1929, does not cover all cases of destitute children suitable for committal to Industrial Schools, as a destitute child abandoned by one or both parents who may be living, or at least whose death cannot be presumed, cannot in the absence of "consent" be committed. The Act should be amended so as to give Justices enlarged powers for the committal of such children, and to give the Minister for Education wider discretion in dealing with applications for discharge in such cases (48).
6. There is a strong consensus of opinion that the practice of hearing children's cases in the ordinary Courts is objectionable. The arrangement which obtains in Dublin—a Children's Court housed separately from the District Courts—should be adopted wherever possible throughout the country (49, 50). The term "Committal Order" should be abolished, and "Admission Order" substituted (51). Justices when hearing children's cases should not wear their robes of Office. Gardaí should not wear uniform when in attendance at Children's Courts and when bringing children to the Schools. Parents

44. Existing legislation should be amended so as to provide that contributions by Local Authorities towards the expenses of children committed to the Schools shall be at such rates and payable at such times as shall be prescribed by regulations made by the appropriate Minister, subject to the concurrence of the Minister for Finance (173).

45. The complaint of the witnesses who gave evidence on behalf of the Managers regarding the delay in the payment of their accounts by the Local Authorities and the consequential loss to the Schools in the shape of interest charges on overdrafts appears reasonable. In order to remove this hardship on the schools, payment of the full amount properly due for maintenance should be made directly to the schools by the State in the first instance, the payment to be subject to recoupment by the responsible Local Authorities to the extent of their appropriate contributions (174).

46. Responsibility for maintenance grants is generally placed upon the Local Authority for the area in which a child is committed, notwithstanding that the child may have been born and have resided elsewhere. This arrangement appears inequitable and bears unfairly upon the County Boroughs. The area of charge as affecting a Local Authority should be determined by the usual place of residence of the parent or parents where ascertainable (provided, of course, the child has been born in An Saorstáil), unless it can be proved that the child was continuously resident prior to committal for a period of twelve months in the area of another Local Authority. In cases which cannot be so determined the responsibility of the Local Authority should be settled by reference to the place of committal (175).

47. The discretionary power given to Justices under the Children Act, 1908, to make Contribution Orders on parents or other persons responsible for children committed to Reformatory and Industrial Schools is a valuable one, as emphasising the principle of parental responsibility, and such Orders should invariably be made and enforced where hardship will not result. The contributions should continue to be collected by the State as heretofore, and, subject to our recommendations as regards the apportionment between the State and the Local Authorities of the charge for maintenance in the schools being adopted, we consider it would not be equitable for the State to appropriate the whole of the collections, and, accordingly, we recommend that in the event referred to one-half the parental money contributions collected (less the cost of collection) should be paid over to the Local Authorities responsible for the maintenance of the children in respect of whom such payments are received (182).

48. It is necessary to draw attention to the present unsatisfactory method of disposing of female offenders over 16 and under the age of 21 years. As the law stands, a female offender over the age of 16 years can be detained only in a prison. Judges and Justices are reluctant

to commit young girls to prison, but have no legal power to order detention otherwise, and the difficulty is usually overcome by sending the offender to a Home conducted by a Religious Order provided the girl consents to go there, and the Home agrees to accept her (183).

49. The opinions furnished to us by Circuit Court Judges and District Justices as to the necessity for providing a Borstal Institution for Girls would not warrant a recommendation in favour of the establishment of such an Institution. Statutory powers should be given to both Judges and Justices to commit this class of offender for a definite period, subject to a maximum of three years, to Institutions certified for the reception of particular cases. If the young person so committed proves refractory and unsuitable for detention, it should be in the power of the Superiress to request the Minister for Justice to relieve her of the responsibility for such young person, who should then be transferred to a prison. It would follow that where a girl left the Institution without due authority before the completion of the period for which she had been committed, she would be liable to arrest (184).

50. These Institutions should be remunerated by the payment of an appropriate grant, but as the labour of the inmates is of some value to them it should be provided that a specified portion of the cash value of the work of the girls for whom grants have been paid should be placed to their credit and made available for them on leaving (185).

51. In conclusion, we desire to place on record our cordial appreciation of the assistance rendered to us by our Secretary, Mr. W. F. Walsh. He has been most painstaking in the many investigations we found it necessary to make and his comprehensive knowledge of the subject of our Inquiry has been of the utmost value to us in the preparation of our Report.

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17th August, 1936.